

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 2-11 and 21, in the reply filed on 10/9/07 is acknowledged. The traversal is on the ground(s) that both groups of claims (method and device) have already been searched and that a complete search of the device claims 2-11 would require a search of the preferred process. This is not found persuasive because (1) restriction of claims is permitted at any point in examination and (2) the search for the method claims would require class and subclass not required for the device claims. The device claims search would be restricted to class 15 and class 134, subclass 21+. The method claims are not limited to process steps requiring suction/vacuuming and therefore would require subclass search in class 134, not required for the device claims. Claims 22-24 are method claims that would be grouped with the method claims 12-20 non-elected.

The requirement is still deemed proper and is therefore made FINAL.

Response to Arguments

Applicant's argument that the claims of the instant application are different and unobvious from the claims of USP 6,684,452 are persuasive. The patented claims do not specify dispensing the cleaning solution upon the agitator in the second cleaning mode as defined in claim 2. The obvious double patenting rejection has been withdrawn.

Regarding the rejection in view of USP 3,402,420 (Schaeffer) in view of USP 3,381,223 (Colt et al.), neither of the patents teach or suggest dispensing the cleaning solution upon the agitator in the second cleaning mode as defined in claim 2.

Allowable Subject Matter

Claims 2-11 and 21 are allowable.

Claims 12-20,22-24 are non-elected and must be cancelled in response to this Office Action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Redding whose telephone number is 571-272-1276. The examiner can normally be reached on Mon.-Fri. 6:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ David Redding /
Primary Examiner
Art Unit 3723

DAR